

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JEREMY NATHANIEL WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	CV 119-165
)	
LATASHA HARRIS,)	
)	
Defendant.)	

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

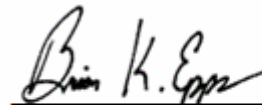
Plaintiff, incarcerated at Augusta State Medical Prison (“ASMP”) in Grovetown, Georgia, brought the above-captioned civil case and is proceeding *pro se* and *in forma pauperis*. Before the Court is Plaintiff’s motion for entry of default. (Doc. no. 15.) For the reasons set forth below, the Court **REPORTS** and **RECOMMENDS** Plaintiff’s motion be **DENIED**.

Plaintiff moves for entry of default against Defendant Harris because she failed to respond to Plaintiff’s complaint twenty days after being served with a summons and complaint by the Marshals Service. (Doc. no. 15.) Under Fed. R. Civ. P. 55(a), a party is entitled to entry of default when it has shown an adverse party has failed to plead or otherwise defend against a complaint through affidavit or otherwise. Entry of default is not warranted because Defendant Harris’s deadline to respond to Plaintiff’s complaint has not passed. On October 21, 2019, the United States Marshal requested Defendant Harris waive formal service of summons, and, on November 19, 2019, defense counsel for Defendant

Harris executed the waiver of service. (Doc. no. 14.) As the Court explained in its October 18, 2019 Order, a defendant who waives formal service of summons does not have to answer the complaint until sixty days after the date the Marshal mails the request for waiver. (Doc. no. 12, p. 3 (citing Fed. R. Civ. P. 4(d)(3)).) Accordingly, entry of default against Officer Hallett is not appropriate because she has until December 20, 2019, to respond to Plaintiff's complaint.

Accordingly, for the reasons stated above, the Court **REPORTS** and **RECOMMENDS** Plaintiff's motion for entry of default be **DENIED**. (Doc. no. 15.)

SO REPORTED and RECOMMENDED this 5th day of December, 2019, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA